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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NORTHWEST ENVIRONMENTAL
 ADVOCATES, THE OCEAN
 CONSERVANCY, and WATERKEEPERS
 NORTHERN CALIFORNIA and its
 projects SAN FRANCISCO BAYKEEPER
 and DELTAKEEPER,

Plaintiffs,

THE STATES OF NEW YORK,
 ILLINOIS, MICHIGAN, MINNESOTA,
 and WISCONSIN, and THE
 COMMONWEALTH OF
 PENNSYLVANIA,

Plaintiff-Intervenors,

v.

UNITED STATES ENVIRONMENTAL
 PROTECTION AGENCY,

Defendant.

SHIPPING INDUSTRY BALLAST
 WATER COALITION,

Defendant-Intervenor.

Case No. CV 03-05760 SI

**STIPULATION AND [PROPOSED]
 ORDER TO ENLARGE TIME TO
 FILE A MOTION FOR ATTORNEYS'
 FEES AND COSTS UNDER LOCAL
 RULE 54-6(a)**

Pursuant to Local Rules 6-2, Plaintiffs and Federal Defendant hereby stipulate to an extension of time for Plaintiffs to file any motion for attorneys' fees and costs with the Court in this case under Local Rule 54-6(a) consistent with the filing deadline established by the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(B) and respectfully request that the Court grant such an enlargement of time, for the following reasons:

(1) Final judgment was entered in this case on September 18, 2006;

(2) The parties have 60 days from entry of the final judgment to appeal any portion of the judgment;

(3) Plaintiffs intend to seek attorneys' fees and costs in this case pursuant to EAJA, which requires that any application for fees be filed within 30 days of a final, non-appealable judgment. 28 U.S.C. §§ 2412(d)(1)(B) and (d)(2)(G);

(4) The parties to this stipulation agree that it would not be an efficient use of their and the Court's resources to litigate fee issues at this time, before the time for appeal has even run;

Accordingly, Plaintiffs seek an enlargement of time to file any motion for fees and costs under Local Rule 54-6(a) coextensive with the fee application deadlines set forth in EAJA, *i.e.*, within 30 days of issuance of a final, non-appealable judgment. Counsel for Plaintiff-Intervenors and Defendant-Intervenor have been informed of this stipulation and do not oppose it.

Dated: October 2, 2006

Respectfully submitted,

/s/ Melissa Powers

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I, Melissa Powers, pursuant to ECF General Order 45X, attest that Martin McDermott has concurred in and authorized the filing of this Stipulation .


/s/ Melissa Powers
Melissa Powers
Attorneys for Plaintiffs

[PROPOSED] ORDER

Consistent with the foregoing stipulation, IT IS HEREBY ORDERED that the time for Plaintiffs to file a motion for attorneys' and costs under Local rule 54-6(a) is extended up to and including the filing deadlines set forth in 28 U.S.C. § 2412(d)(1)(B), *i.e.*, within 30 days of issuance of a final, non-appealable judgment..

IT IS SO ORDERED.

Dated: _____


HONORABLE SUSAN ILLSTON
United States District Judge